

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ONPOINT SYSTEMS, LLC,

Plaintiff,

vs.

**PROTECT ANIMALS WITH
SATELLITES, LLC,**

Defendant.

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NO. 4:20-cv-00657-ALM

Judge Mazzant

JURY TRIAL DEMANDED

**PROTECT ANIMALS WITH SATELLITES, LLC’S UNOPPOSED
MOTION FOR LEAVE TO FILE AMENDED ANSWER TO FIRST AMENDED
COMPLAINT AND SECOND AMENDED COUNTERCLAIMS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant and Counterclaimant Protect Animals with Satellites, LLC (“PAWS”) and files this Unopposed Motion for Leave to File Amended Answer to First Amended Complaint and Second Amended Counterclaims (the “Motion”) pursuant to Fed. R. Civ. P. 15(a). A copy of PAWS’ proposed Amended Answer to First Amended Complaint and Second Amended Counterclaims is being filed concurrently herewith pursuant to Local Rule CV 7(k). Plaintiff and Counter-Defendant OnPoint Systems, LLC (“OnPoint”) does not oppose PAWS’ request for leave to file the Amended Answer to First Amended Complaint and Second Amended Counterclaims, but reserves the right to challenge the merits and sufficiency of the amended pleading. As cause for seeking leave to amend, PAWS states as follows:

1. PAWS’ proposed amendments seek to add a thirteenth defense and an additional counterclaim based on facts that were recently uncovered by PAWS. PAWS requests leave to add the additional affirmative defense and new counterclaim based on those facts. Specifically, as alleged in the Second Amended Counterclaims, PAWS contends that U.S. Patent No. 9,848,295

(the “’295 Patent”) is invalid and/or unenforceable because of the inequitable conduct committed by OnPoint, Sunrise Labs, Inc. (“Sunrise Labs”), the named inventors of the ’295 Patent, and/or OnPoint’s prosecution counsel, and/or others before the USPTO in the prosecution of the application that led to issuance of the ’295 Patent.

2. “The policy of the federal rules is to permit liberal pleading and amendment.” *Jamieson v. Shaw*, 772 F.2d 1205, 1208 (5th Cir. 1985). “Liberality in amendment is important to assure a party a fair opportunity to present his claims and defenses.” *Freeman v. Cont’l Gin Co.*, 381 F.2d 459, 469 (5th Cir. 1967); *Computer Acceleration Corp. v. Microsoft Corp.*, 481 F. Supp. 2d 620, 626 (E.D. Tex. 2007). In accordance with this liberal standard, PAWS respectfully requests that the Court grant its Motion.

WHEREFORE, for the reasons stated herein, PAWS prays that the Court grant its Unopposed Motion for Leave to File an Amended Answer to First Amended Complaint and Second Amended Counterclaims, and for all such other and further relief to which PAWS is entitled.

Dated: June 8, 2021

Respectfully submitted,

/s/ Craig Crockett

James E. Schutz, GA Bar No. 630271 (*pro hac vice*)

james.schutz@troutman.com

Haden Marrs, GA Bar No. 817198 (*pro hac vice*)

haden.marrs@troutman.com

TROUTMAN PEPPER HAMILTON SANDERS LLP

600 Peachtree St., NE, Ste. 3000

Atlanta, GA 30308

(404) 885-3000

Craig Crockett, CA Bar No. 265161 (*pro hac vice*)

craig.crockett@troutman.com

TROUTMAN PEPPER HAMILTON SANDERS LLP

Three Embarcadero Center, Ste. 800

San Francisco, CA 94111

(415) 477-5700

Gregory S. Bishop, CA Bar No. 184680 (admitted to practice)

TROUTMAN PEPPER HAMILTON SANDERS LLP

333 Twin Dolphin Drive, Ste. 400

Redwood City, CA 94065

(650) 802-3600

Oscar A. Figueroa, CA Bar No. 313238 (*pro hac vice*)

TROUTMAN PEPPER HAMILTON SANDERS LLP

5 Park Plaza, Ste. 1400

Irvine, CA 92614

(949) 622-2700

Michael Smith

State Bar No. 18650410

SCHEEF & STONE, LLP

113 East Austin, Marshall, TX 75670

(903) 938-8900 (office)

Attorneys for Defendant

Protect Animals With Satellites, LLC

CERTIFICATE OF SERVICE

I hereby certify that on, I electronically filed the foregoing Defendant PAWS' Unopposed Motion For Leave To Amend Counterclaims with the Clerk of the Court for the Eastern District of Texas using the ECF System which will send notification to the registered participants of the ECF System as listed on the Court's Notice of Electronic Filing.

/s/ Craig Crockett

Craig Crockett

CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(i), I hereby certify that counsel has complied with the meet and confer requirement in Local Rule CV-7(h), and that the motion is unopposed.

/s/ Craig Crockett

Craig Crockett